

Text Editions of (Abnormal) Hieratic, Demotic, Greek, Latin and Coptic Papyri and Ostraca

*Some people love their friends even when they are far away:
Festschrift in Honour of Francisca A.J. Hoogendijk*

(P. L. Bat. 37)

Edited by

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BRILL

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Lease Contract between Priests

Joanne Vera Stolk

P. Ghent inv. 108

Oxyrhynchus, 1–25 January 339 CE

TM 140467

During the last fifteen years, Cisca taught me how to publish papyri, edit books and collect *Berichtigungen* from papyrological literature, but above all she managed to share her love for papyrology and papyri, whatever their size or shape, with me and many others. The papyrus collection in Ghent unfortunately has not received the same amount of love and attention as Cisca has given to the collection of the Leiden Papyrological Institute. Therefore, I would like to thank her for sharing her skills and knowledge with me with an edition of an unpublished papyrus fragment from the papyrus collection of my current home university.*

Acquisition

P. Ghent inv. 108 is part of the so-called ‘Fonds Bidez’ (Ghent inventory numbers 76–135) which was acquired by Prof. Joseph Bidez for 30 Egyptian pounds from the *Service des Antiquités*, see R. BOGAERT, ‘De papyrusverzameling van de bibliotheek der Rijksuniversiteit te Gent’, in: *ANAMNHΣΙΣ. Gedenkboek Prof. Dr. E.A. Leemans* (1970), pp. 108–109. They were sent from Cairo on the 4th of July 1927 by M. Guéraud of the *Institut français* and arrived in Ghent a few weeks later, on the 27th, according to the customs documents preserved in the archive of J. Bidez (HS.111.2.165).¹ The papyri were studied first by M. Hombert and E.A. Leemans and later by P. Baert and W. Clarysse, but only inv. 85 *verso* was published by

W. CLARYSSE and R.A. STEWART as ‘P. Gent inv. 85: a New Fragment of the Sortes Astrampsychi’, in *CdÉ* 63 (1988), pp. 309–314, and inv. 103 *recto* and *verso* (a letter from the Heroninos archive) received a preliminary edition in the thesis by P. BAERT, *De papyrusverzameling van de Universiteitsbibliotheek te Gent* (Licentiaat KU Leuven, 1985), pp. 257–266 (nos 4 and 5). A short description of inv. 108 was provided in the catalogue by P. BAERT, *op. cit.*, p. 169 (no. 166).

Description

H. × W. = 8.8 × 9.5 cm. Fragment of light-brown papyrus of poor quality, broken off unevenly at the lower side. Upper (1 cm) and left (1.3 cm) margins are partly preserved as well as large parts of the ends of lines and the original right edge of the sheet (see lines 5–12). Several gaps are visible throughout the text, especially some larger ones in the left and lower parts, which may also have caused the bottom part of the papyrus to break off. This fragment preserves around a third of the height of the original document, see also the measurements of comparable documents P. Harr. I 82 (345) of 25 × 11 cm, PSI VI 707 (351) of 26 × 11 cm and P. Genova I 22 (345) measuring 18 × 9.5 cm (height is not completely preserved in the last one).

The text is written on the *recto* along the fibres in an experienced, upright hand with some irregular features. The size and execution of the letters varies, see e.g. the sizes of the *eta* and *nu* in various places and compare the three-legged *pi* followed by *omicron* in ἀπό (line 6) to the connection towards the first *omicron* in Πολεμίου (line 2). The *upsilon* was omitted in Ὁξυρ(υ)ρχεῖ[τῶν] (line 4) and there are some signs of hesitation, such as the *chi* written over the long horizontal line of the *gamma* in the same word and the interrupted movement of the *omega* in Αὐρηλίου (line 5). There seems to be a small wave added under the *nu* in ὑπαρχων[τῶν] (line 9).

The *verso* is blank.

* I would like to thank Cisca Hoogendijk, Willy Clarysse, Guus van Loon, Nick Gonis and Jean-Luc Fournet for sharing their thoughts on this text with me. My research was funded by the Flemish Research Council (FWO) and the Norwegian Research Council (MSCA-NFR COFUND), taking place at Ghent University, KU Leuven, University of Oslo and Leiden University.

1 Images of the papyrus collection are available online through the catalogue of the Ghent University Library, see <https://lib.ugent.be/catalog/rug01:001484598>. I would like to thank Hendrik Defoort (Ghent University Library) for the access to the archive of Joseph Bidez and the permission to publish this papyrus.

Introduction

The papyrus preserves the upper part of a lease contract between Aurelius Arion son of Horion and Aurelius Apphous, dated to January 339. Both parties identify themselves with the title ‘priest’, probably referring to their association to Graeco-Egyptian cults, see M. CHOAT, *Belief and Cult in Fourth-Century Papyri* (Turnhout, 2006), pp. 57–73. The occurrence of two priests in a lease contract from the second quarter of the fourth century is noteworthy, considering the decline of references to temples and cult officials in papyri in the course of the fourth century (see also note to line 5).

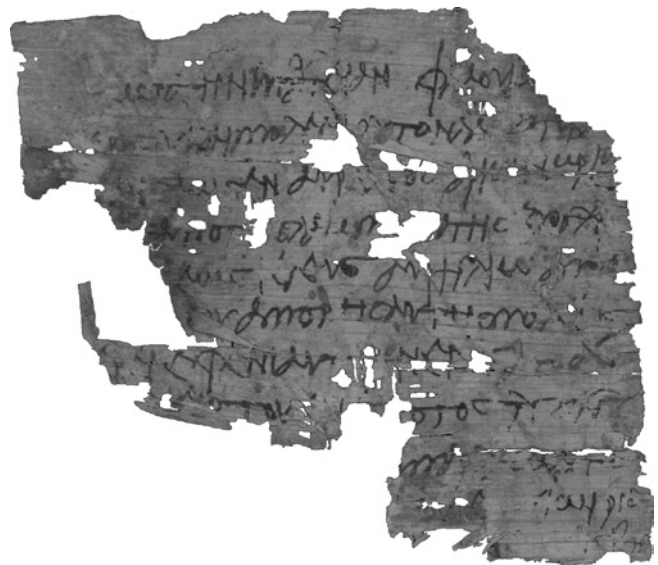
The lease contract is in the form of a private protocol. The expression of the deed in objective style (ἐμίσθωσεν)

Transcription

- μετὰ τὴν ὑπατείαν Φλαουίω[ν]
 Οὔρσου καὶ Πολεμίου τον λαμπ(ροτάτων) Τύβι[ca. 1–2]
 ἐμίσθωσεν Αὐρήλιος Ἀρίων Ὀρίω-
 [νο]ς ἀπὸ τῆς λαμπ[ροτ]άτης Ὀξυρ(υ)γχει-
 5 [τῶν πό]λεως ἱερεὺς Αὐρηλίω Ἀπφοῦ-
 [τι . . .] . ου ἀπὸ τῆς αὐτῆς πόλεως
 ἱερεὶ ἐφ’ ἐνιαυτὸν ἕνα ἀπὸ α
 [Μ]εχειρ τοῦ ἐνεστῶτος λγ // κγ /
 [ιε / ς / ἀπὸ τῶν] ὑπαρχόντων(ν)
 10 [αὐτῷ ca. 10] . . . ξ ἱριου
 [ca. 15–20]ω ἱσβη

2. l. τῶν λαμπ pap. 7. l. ἐπ’ α’ pap. 8. l. ἐνεστῶτος λγ= pap. κγ’ pap. 9. l. ὑπαρχόντων(ν)

is followed by the introduction of the parties (lines 3–7), the duration of the lease and the starting date (lines 7–9), as commonly found in Oxyrhynchite leases of buildings in the Roman period up to the first half of the fourth century.² From the fourth century onwards, the date was added – and later moved – to the beginning of the contract, where we also find it here (lines 1–2).³ Parallels can be found in leases of (parts of) houses and other structures in Oxyrhynchus written during the first half of the fourth century, such as P. Oslo III 138 (323), P. Oxy. XLVIII 3384 (331), P. Genova I 22 (345), P. Harr. I 82 (345), and PSI VI 707 (351); the closest parallel is a lease of a weaver’s loom in P. Oxy. LXVI 4534 (335).⁴



P. Ghent inv. 108 recto (text 34)
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² For an overview see P. YALE I 69, pp. 223–224; H.J. WOLFF, *Das Recht der griechischen Papyri Ägyptens in der Zeit der Ptolemäer und des Prinzipats, II: Organisation und Kontrolle des privaten Rechtsverkehrs* (Munich, 1978), pp. 122–127; H. MÜLLER, *Untersuchungen zur μίσθωσις von Gebäuden im Recht der gräko-ägyptischen Papyri* (Erlanger juristische Abhandlungen 33, Cologne etc., 1985), pp. 76–79.

³ See WOLFF, *Das Recht der griechischen Papyri Ägyptens*, p. 122; MÜLLER, *Untersuchungen zur μίσθωσις*, p. 78. Since the top margin of the lease contract in SB X 10216 is preserved and there are no traces of a date at the beginning, a date to the third century is preferred above the date to the third–fourth century CE, as assigned by P.J. SIJPESTEIJN, ‘Einige Papyri aus der Giessener Papyrussammlung’, *Aegyptus* 46 (1966), pp. 13–16. If it indeed

contains the full honorific title of Oxyrhynchus, as read and reconstructed by the first editor in ll. 2–3, this could be narrowed down further to the last quarter of the third century (see note to ll. 4–5 below).

⁴ All close parallels are leases of houses, rooms and other structures which were still composed in the form of a private protocol during the first half of the fourth century, see e.g. the overview in MÜLLER, *Untersuchungen zur μίσθωσις*, pp. 350–352, and note to l. 7 below. Oxyrhynchite leases of land were already formulated in the subjective style (*cheirographon* or *hypomnema*) by this time, see J. HERRMANN, *Studien zur Bodenpacht im Recht der gräko-ägyptischen Papyri* (Munich, 1958), pp. 22–24, 274–275.

Translation

‘After the consulship of Flavii Ursus and Polemios, *virī clarissimi*, Tybi [xx].

Aurelius Arion son of Horion from the most illustrious city of Oxyrhynchus, priest, has leased to Aurelius Apphous [son of N.N.] from the same city, priest, for one year from the 1st of Mecheir of the current 33rd / 23rd / [15th / 6th year] of the ... belonging to ...’

Commentary

- 1 ὑπατείαν: just above the first *alpha* and *tau* of ὑπατείαν are traces of two letters. The first one resembles the curl of an *alpha* or *upsilon* and the second one the left half of a *lambda*. The *alpha* of ὑπατείαν could have been corrected over something else (perhaps a false start of the *alpha*), but it is unclear whether these traces were created before or during writing of the first line of the present text.
- 1–2 μετὰ τὴν ὑπατείαν Φλαουίω[ν] | Οὐρσου καὶ Πολεμίου τον λαμπ(ροτάτων) Τύβι [ca. 1–2]: for the consulate of Ursus and Polemios in 338, see *CSBE*², p. 183. Their post-consular date would have been used from Tybi 6, i.e. the start of the new consulate of 339. If we compare with the line below, there would be space for one larger or perhaps two smaller letters at the end of the line. A date between 6–30 Tybi would correspond to 1–25 January 339. The post-consular date occurs for example in P. Bodl. I 154, 10, where we also find the same spelling τον λαμπ[ροτάτων]. For the month of the lease, see note to ll. 7–8.
- 3–4 Αὐρήλιος Ἀρίων Ὀρίω[νο]ς: the name Ἀρίων is most common during the fourth century in the Arsinoite and Hermopolite nomes (TM Name ID 2301), but none of them seems to be a priest with the patronymic Horion, a name more commonly attested in the Oxyrhynchite nome (TM Name ID 4746).
- 4–5 ἀπὸ τῆς λαμπ[ροτ]άτης Ὀξυρυ(υ)γχεῖ[των πό]λεως: the full title ἡ λαμπρά καὶ λαμπροτάτη Ὀξυρυγχεῖων πόλις is used in documents from 272 until the early sixth century, see D. HAGEDORN, “Ὀξυρύγχων πόλις und ἡ Ὀξυρυγχεῖων πόλις”, *ZPE* 12 (1973), pp. 277–286. Attestations with only the first element or omitting the epithet entirely become more frequent during

the fifth century, HAGEDORN, *loc. cit.*, pp. 288–291. The omission of only the first element, as we have here, is rare, see e.g. P. Oxy. IX 1199, 6–7 (275 or 281, BL XI 147) ἀπὸ τῆς λαμπροτάτης Ὀξυρυγχεῖων πόλεως, and is regarded as a mistake by HAGEDORN, *loc. cit.*, pp. 287–288. The use of the superlative only may have been uncommon for references to the city of Oxyrhynchus, but the occasional occurrence of this variant could perhaps be connected to the parallel uses of λαμπροτάτη for other cities, such as Alexandria (e.g. P. Cairo Preis. II 42, 1; III–IV), Hermopolis (e.g. CPR V 8, 5–6; 320) and Antinoopolis (e.g. P. Lond. III 975 [p. 230], 5; 314) during the late third and early fourth century.

- 5 ἱερέυς: further identification of the lessor and lessee is only occasionally found in this type of contract, see P. Oxy. LXVI 4534, 4–6 (335) and perhaps P. Oxy. XLV 3259, 5 (319) and P. Oslo III 138, 4 (323); see also MÜLLER, *Untersuchungen zur μίσθωσις*, pp. 83–84, 88. By the second quarter of the fourth century, Christianisation advanced and references to temples and cult officials seem to be decreasing in the papyri, see CHOAT, *Belief and Cult*, pp. 57–73; R.S. BAGNALL, *Egypt in Late Antiquity* (Princeton, 1993), pp. 261–273. The title ἱερέυς is, however, one of those that continued to be used for identification purposes, comparable to the mention of a profession or rank, in private and public documents during the fourth century, see M. CHOAT, *op. cit.*, pp. 70–73; R.S. BAGNALL, *op. cit.*, pp. 264–267; and compare e.g. the two priests presenting a petition in P. Monts. Roca IV 69 (ca. 325), a priest receiving a loan of money in P. Oslo II 41 (331), a declaration on oath about the paternal inheritance of his priestly rank in P. Oxy. X 1265 (336), and the priests among both parties of a loan in PSI III 215, 6 (339).
- 5–6 Ἀποφύ[τι . . .] . ου: Apphous (TM Name ID 8718) is a common name during the fourth and fifth century in Oxyrhynchus, but the attested patronymics, such as Αὐρήλιος Ἀποφύς Θέωνος, a priest of Zeus and Hera acknowledging receipt of a loan of money in P. Oxy. LXI 4125 (322), or Αὐρήλιος Ἀποφύς Παθερμουθίου, who is appointed to the liturgy of guarding the temple of Thoeris in P. Oxy. XIV 1627 (342), would not fit here.

- 7 ἱερεῖ: see n. to l. 5.
- ἐφ' ἐνιαυτὸν ἐνϛ: the duration of a lease may vary between one to six years, see A. BERGER, 'Wohnungsmiete und Verwandtes in den gräko-ägyptischen Papyri', *ZVR* 29 (1913), pp. 369–373; MÜLLER, *Untersuchungen zur μίσθωσις*, pp. 178–179, 186–187. The closest parallels in formulation (see introduction) are leases of a whole or part of a property and all seem to have a longer duration than one year, except for P. Oxy. LXVI 4534, a one-year lease of a weaver's loom. There are other one-year leases from the third and fourth century Oxyrhynchus, but they have started to be drawn up in the form of an *hypomnema*, see MÜLLER, *Untersuchungen zur μίσθωσις*, p. 77, such as P. Oxy. XIV 1695 (360) and PSI V 467 (360) containing one-year leases of a part of a house and a room respectively, see also the chronological overview in G. MICKWITZ, *Geld und Wirtschaft im römischen Reich des vierten Jahrhunderts n. Chr.* (Leipzig, 1932), pp. 205–206.
- 7–8 ἀπὸ α̅ | [M]εχρί: the contract was drawn up in Tybi (see l. 2) for a lease starting from the first of Mecheir, the following month. Leases of houses often start from the first day of a month, typically the first day of the following month. The first of Thoth, the first month of the year, seems a common date to start or renew a house lease in Oxyrhynchus, see e.g. P. Genova I 22, which is dated Mesore 22 for a lease starting the month after from the first of Thoth (ἀπὸ α̅ Θώθ, l. 7), and, more rarely, cases like P. Oslo III 138, which is drawn up in Choiak, months before the renewed lease starts in Thoth, see also the comments in ed. pr., and BERGER, 'Wohnungsmiete', *ZVR* 29, pp. 373–374; MÜLLER, *Untersuchungen zur μίσθωσις*, pp. 180–181. Other months are attested as well, see e.g. P. Oxy. XLVIII 3384 and PSI VI 707, leases drawn up in respectively Pharmouthi and Phamenoth starting from the same month. This would perhaps suggest that a lease agreed on during the year would often start as soon as possible, such as from the first day of the same month or, perhaps especially when drawn up later in the month, from the first day of the following month, as in our contract, see also e.g. P. Oxy. XIV 1695 dated Choiak 23, starting from the first of Tybi or P. Oxy. VIII 1129 (449), dated Tybi 24 and starting from the first of Mecheir, and BERGER, *loc. cit.*, pp. 375–376; MÜLLER, *op. cit.*, pp. 182–184, 193–194.
- 8–9 λγ // κγ / | [ιε / ς /: after the regnal years of Constantine I and Constantine II, the year 338–339 would include the fifteenth regnal year of Constantius II and the sixth of Constans, see *CSBE*², pp. 55–56. The numbers of the years are usually separated by a symbol, for example a s-shape with a diagonal stroke (P. Oxy. LX 4084, 13), although the s-shaped sign and the stroke may also both occur separately (P. Oxy. LXVI 4534, 7–8; 335), sometimes in combination a ligatured καί (P. Oslo III 138, 6), or as two diagonal strokes (P. Genova I 22, 8). In this case, two short strokes with the *ductus* of a ligatured καί are visible after λγ, followed by a single diagonal stroke after κγ.
- 9–11 After the duration and starting date of the lease (ll. 7–9), the object of lease is specified in the parallel texts, followed by the amount of rent. The object could be introduced directly (in the accusative) or preceded by ἀπὸ τ[οῦ] ὑπάρχ[ο]ντος (P. Oslo III 138, 6) or ἀπὸ τῶν ὑπαρχόντων (P. Genova I 22, 8–9), which seems to be the case here. This could then be followed by a specification of the location in l. 10, e.g. P. Genova I 22, 8–10 ἀπὸ τῶν ὑπαρχόντων αὐτ[ῆς] ἐν τῇ αὐτῇ πόλει ἐπ' ἀμφοδου | θερμου β[αλ]ανίου[ς] or P. Harr. I 82, 10–12 τήν | ὑπάρχουσαν αὐτῷ ἐν τῇ αὐτῇ πόλει | ἐπ' ἀμφοδου Δρόμου Θοήριδος, and finally a description of the object(s) of lease in l. 11. Unfortunately, the traces at the end of ll. 10–11 do not seem to fit any of the phrases attested in the parallels.
- 10 . . . ε̅ ἱριου: the line ends in -ριου, preceded by a sequence which could be read as υιωι or νκωι, a combination which does not give any meaningful options in this position. It could be part of a (unknown) proper name, for example of an ἄμφοδον (see examples in note to ll. 9–11) or κλήρος. It is tempting to read Ἐνκαίριου, which is attested once as the name of a *kleros* in SB XXII 15466, 10–14 (147), εἰς | τοὺς ὑπάρχ(οντας) τοῖς προγεγραμ(μένοις) | γονεῦσί μου ψειλοὺς τόπο(υς) | ἐκ τοῦ Ἐνκαίριου κλήρου | περιτετειχισμ(ένους) 'in the walled building lots belonging to my aforesaid parents from the allotment of Enkairios', perhaps located in Talao in the northern Oxyrhynchite (but see A. JÖRDENS, *Statthalterliche Verwaltung in der römischen Kaiserzeit* [Stuttgart,

2009], p. 83 n. 110 arguing for a provenance in de delta for this census declaration), but there does not seem to be a preceding article and open *alpha* is not used elsewhere in this hand.

- 11 [ca. 15–20]φ . . . ισβη: the last letters on this line are ισβη, which could form an ending in -ις,

perhaps -εις or -αις, followed by a word starting with βη-. Another option would be to take it together as part of a word like ἀμφισβήτησις ‘dispute’, which may be a possible reading (although the *phi* does not have a curl on top in l. 1), but is unexpected in this part of the contract and does not occur in the parallels.